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3 **ORDINANCE NO. 180397**

4 **An ordinance of the City of Gainesville, Florida, amending the Future Land Use**  
5 **Map of the Comprehensive Plan by changing the land use category of**  
6 **approximately 81.575 acres of property known as the Oaks Mall generally**  
7 **located at the southwest corner of the intersection of W Newberry Road and**  
8 **NW 62<sup>nd</sup> Street, as more specifically described in this ordinance, from**  
9 **Commercial (C) to Urban Mixed-Use (UMU); providing directions to the City**  
10 **Manager; providing a severability clause; providing a repealing clause; and**  
11 **providing an effective date.**

12 **WHEREAS**, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a  
13 Comprehensive Plan to guide the future development and growth of the city; and

14 **WHEREAS**, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),  
15 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the  
16 orderly and balanced future economic, social, physical, environmental, and fiscal development  
17 of the city as reflected by the community’s commitments to implement such plan; and

18 **WHEREAS**, Section 163.3177(6), Florida Statutes, requires the City of Gainesville  
19 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that  
20 designates the future general distribution, location, and extent of the uses of land for  
21 residential, commercial, industry, agriculture, recreation, conservation, education, public  
22 facilities, and other categories of the public and private uses of land, with the goals of  
23 protecting natural and historic resources, providing for the compatibility of adjacent land uses,  
24 and discouraging the proliferation of urban sprawl; and

25 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land  
26 Use Map of the Comprehensive Plan by changing the land use category of the property that is  
27 the subject of this ordinance; and

1 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
2 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency  
3 pursuant to Section 163.3174, Florida Statutes, held a public hearing on September 27, 2018,  
4 and voted to recommend that the City Commission approve this Future Land Use Map  
5 amendment; and

6 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a  
7 newspaper of general circulation and provided the public with at least seven days' advance  
8 notice of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City  
9 Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of  
10 Gainesville; and

11 **WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of this  
12 proposed amendment to the reviewing agencies and any other local government unit or state  
13 agency that requested same; and

14 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was  
15 placed in the aforesaid newspaper and provided the public with at least five days' advance  
16 notice of this ordinance's second public hearing (i.e., adoption hearing) to be held by the City  
17 Commission; and

18 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings  
19 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

20 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered any written  
21 comments received concerning this Future Land Use Map amendment.

1 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

2 **FLORIDA:**

3 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is  
4 amended by changing the land use category of the following property from Commercial (C) to  
5 Urban Mixed-Use (UMU):

6           See legal description attached as **Exhibit A** and made a part hereof as if set forth  
7           in full. The location of the property is shown on **Exhibit B** for visual reference.  
8           In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

9

10 **SECTION 2.** Within ten working days of the transmittal (first) hearing, the City Manager or  
11 designee is authorized and directed to transmit this Future Land Use Map amendment and  
12 appropriate supporting data and analyses to the reviewing agencies and to any other local  
13 government or governmental agency that has filed a written request for same with the City.  
14 Within ten working days of the adoption (second) hearing, the City Manager or designee is  
15 authorized and directed to transmit this amendment to the state land planning agency and  
16 any other agency or local government that provided comments to the City regarding the  
17 amendment.

18 **SECTION 3.** The City Manager or designee is authorized and directed to make the necessary  
19 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to  
20 comply with this ordinance.

21 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or  
22 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
23 finding will not affect the other provisions or applications of this ordinance that can be given


1 effect without the invalid or unconstitutional provision or application, and to this end the  
2 provisions of this ordinance are declared severable.

3 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
4 conflict hereby repealed on the effective date of this amendment to the Comprehensive Plan.

5 **SECTION 6.** This ordinance will become effective immediately upon adoption; however, the  
6 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the  
7 amendment is not timely challenged, will be 31 days after the state land planning agency  
8 notifies the City that the plan amendment package is complete in accordance with Section  
9 163.3184, Florida Statutes. If timely challenged, this Comprehensive Plan amendment will  
10 become effective on the date the state land planning agency or the Administration Commission  
11 enters a final order determining the amendment to be in compliance with Chapter 163, Florida  
12 Statutes. No development orders, development permits, or land uses dependent on this  
13 Comprehensive Plan amendment may be issued or commenced before this amendment has  
14 become effective.

15 **PASSED AND ADOPTED** this 2nd day of May, 2019.


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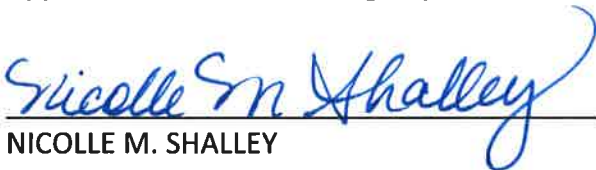
  
\_\_\_\_\_  
LAUREN POE  
MAYOR

21 Attest:

Approved as to form and legality:

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\_\_\_\_\_  
OMICHELE D. GAINNEY  
CLERK OF THE COMMISSION

  
\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

28 This ordinance passed on transmittal (first) reading this 17th day of January, 2019.  
29 This ordinance passed on adoption (second) reading this 2nd day of May, 2019.

### Legal Description

A parcel of land situated in Section 4, Township 10 South, Range 19 East, Alachua County, Florida, said parcel of land being more particularly described as follows:

Commence at the Northeast corner of Section 4, Township 10 South, Range 19 East; thence North 89°37'02" West along the North line of said Section 4, 1050.39 feet; thence run South 00°02'06" East, 52.78 feet to a point on the Southerly right of way line of State Road No. 26; thence North 89°30'38" West, a distance of 5.00 feet to a point of the Westerly Right-of-Way line of NW 62<sup>nd</sup> Street and the **Point of Beginning**; thence the following five (5) courses along said Westerly Right-of-Way line; (1) thence South 00°02'06" East, a distance of 721.05 feet; (2) thence North 89°57'54" East, a distance of 5.00 feet; (3) thence South 00°02'06" East, a distance of 1202.83 feet; (4) thence North 89°30'38" West, a distance of 10.00 feet; (5) thence South 00°02'06" East, a distance of 702.32 feet; thence departing said Westerly Right-of-Way line, North 89°49'46" West, a distance of 267.00 feet to the Southwest corner of Parcel 3 of lands described in Official Records Book 2131, Page 2933 of the Public Records of Alachua County, Florida; thence the following nine (9) courses along the Boundary of said Parcel 3; (1) thence continue North 89°49'46" West, a distance of 652.18 feet; (2) thence North 00°06'58" West, a distance of 703.96 feet; (3) thence North 89°30'38" West, a distance of 6.64 feet; (4) thence North 00°01'40" East, a distance of 466.92 feet; (5) thence North 89°30'38" West, a distance of 462.46 feet; (6) thence North 00°01'40" East, a distance of 140.00 feet; (7) thence North 89°30'38" West, a distance of 169.97 feet; (8) thence South 00°03'25" West, a distance of 140.00 feet; (9) thence North 89°30'38" West, a distance of 30.00 feet to the East line of Parcel 5 of said lands described in Official Records Book 2131, Page 2933; thence the following seven (7) courses along the boundary of said Parcel 5; (1) thence South 00°03'26" West, a distance of 340.03 feet; (2) thence North 36°36'55" West, a distance of 384.51 feet; (3) thence North 00°14'07" East, a distance of 133.62 feet; (4) thence North 89°35'37" West, a distance of 87.76 feet; (5) thence North 36°36'55" West, a distance of 58.71 feet; (6) thence North 00°14'07" East, a distance of 238.45 feet; (7) thence South 89°30'38" East, a distance of 351.31 feet to the West line of Parcel 1 of said lands described in Official Records Book 2131, Page 2933; thence North 00°03'26" East, along said West line, a distance of 1074.98 feet to the Southerly Right-of-Way line of State Road No. 26; thence South 89°30'35" East, along said Southerly Right-of-Way line, a distance of 1591.50 feet to the **Point of Beginning**.

Containing 81.575 Acres, more or less.

Exhibit "A" to Ordinance No. 180397

# Petition PB-18-116 LUC Proposed Land Use Categories

Area Under Petition Consideration

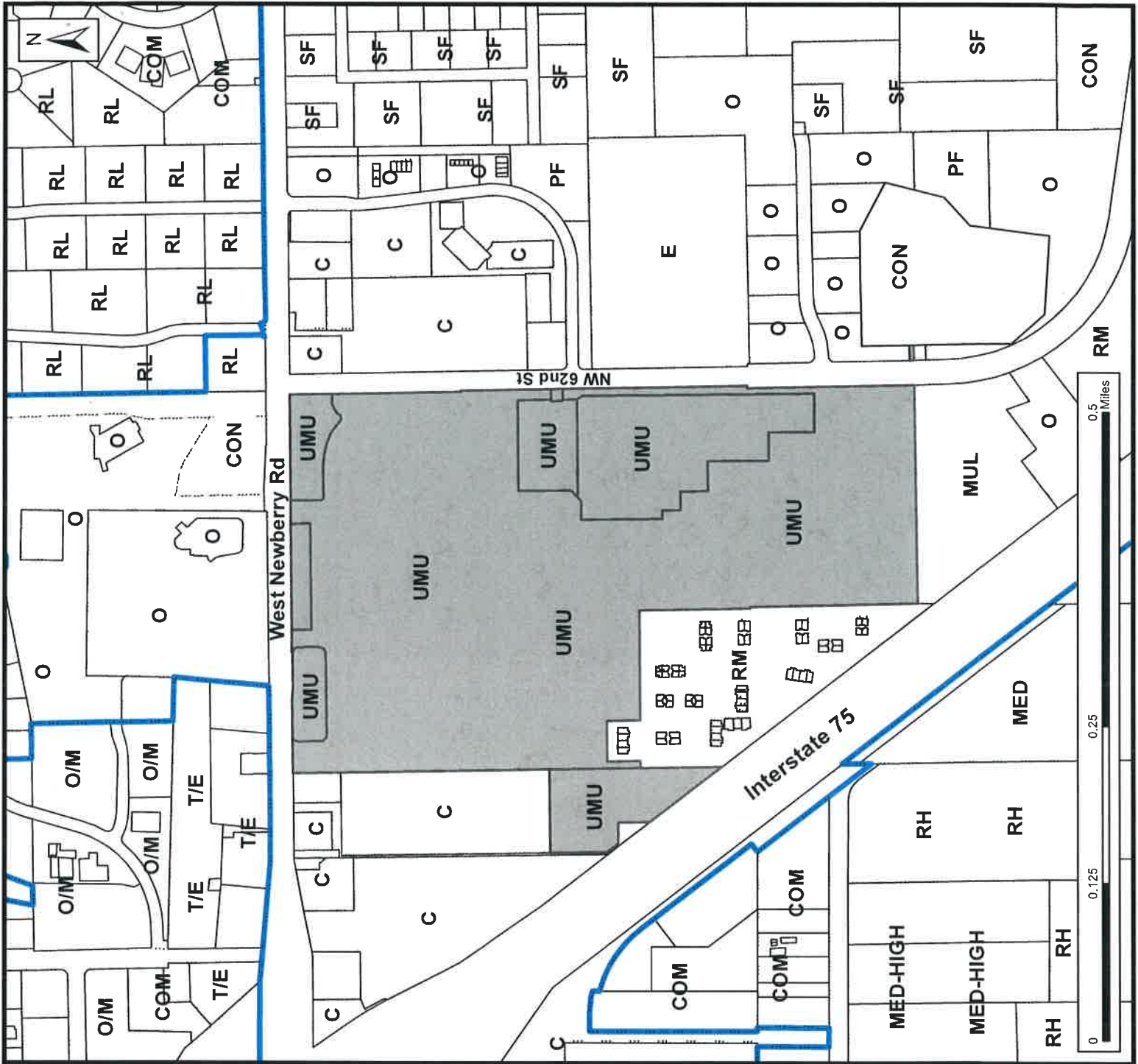
## City of Gainesville Land Use Categories

- C Commercial
- CON Conservation
- E Education
- MUL Mixed-Use Low
- O Office
- PF Public & Institutional Facilities
- RM Residential Medium
- SF Single Family
- UMU Urban Mixed-Use

## Alachua County Land Use Categories

- COM Commercial
- MED Residential - Medium
- MED-HIGH Residential - Medium/High
- O/M Office/Medical
- RH Residential - High
- RL Residential - Low
- T/E Tourist/Entertainment

Division line between two land use categories  
City Limits



**Petition PB-18-116 LUC  
Existing Land Use  
Categories**

Area Under Petition Consideration

**City of Gainesville  
Land Use Categories**

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